



Superior Court of California County of Tuolumne

Eric L. Du Temple, Presiding Judge
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Jeanne Caughell
Court Executive Officer - Jury Commissioner
(209) 533-6984 FAX (209) 533-5618

September 27, 2011

Members of the Court Facilities Working Group:

The Superior Court of California, County of Tuolumne, is included as one of the 41 projects funded by SB 1407 to build a new courthouse for the citizens of Tuolumne County. This project was ranked in the Critical Need priority group of the Trial Court Capital-Outlay Plan that was adopted by the Judicial Council in October 2008.

This project will replace the unsafe and physically deficient court-occupied spaces in the Historic Courthouse, the Washington Street facility, and the leased Jury Assembly Room. These court facilities have significant security problems, many physical problems, and daily deficiencies with Americans with Disabilities Act (ADA) accessibility.

The Historic Courthouse is three stories, with no elevator, and the only access to the upper floors is by way of a wide marble staircase. Several injury claims from slips and falls down the stairs, and one Federal ADA lawsuit that resulted in a Consent Decree for an ADA violation has been filed against the county due to the physical and ADA deficiencies.

The court facilities have significant security problems. There is no in-custody holding. Transportation of prisoners is accomplished by Sheriff's vans parking on the street in front or the side of the courthouses and escorting prisoners through the main public entry and up public stairs and through public corridors. There are substantial security risks by not having dedicated, secured corridors and elevators.

The superior court has been forced to decentralize its operations, requiring an annex facility located two blocks from the main courthouse, and a third location which is a leased suite for jury assembly. None of the facilities completely meets modern operational and security requirements. The fact that these facilities are not consolidated exacerbates their functional problems and prevents the court from operating in a safe and efficient manner.

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Any delay in this project would result in denial of clear access to justice for all county residents and negatively impacts overall court operations, in terms of strain on resources, workload, and staff. Operational cost savings will be realized from the consolidation of facilities and the leased Jury Assembly Room will no longer be required once the proposed new courthouse is complete.

There is another significant impact to delaying this project. The County of Tuolumne currently owns the only preferred site selected by the Project Advisory Group (PAG) and the AOC. This land was purchased by the County for a future Law and Justice Center complex that included a new jail, a juvenile detention facility, and the courts. Once the PAG confirmed this as the preferred site, the AOC and the county entered into a Memorandum of Understanding (MOU) regarding the purchase of a portion of the County's Law and Justice Center Campus for construction of a new Tuolumne County Courthouse. Two of the major points of the negotiations were the size and location of the parcel for the new courthouse and the price for same. A third key element to discussions regarding the state purchasing property of the site was the availability of all infrastructure (e.g. roadways, water, sewer, power, telephone, etc.) required to support a new courthouse on the property.

The main elements of agreement in the MOU were that a 4.33 acre parcel was proposed to be purchased by the state for the new courthouse; that the purchase price would be \$800,000; that the county was required to complete the infrastructure to the court site before the SPWB would consider approval a final land purchase agreement for the property, with a target date of October 1, 2011; and that the parties agree to act in good faith to secure SPWB approval of a final acquisition package. This is important in that the SPWB is expected to approve the property transaction as negotiated, so long as the infrastructure is completed and both the county and AOC work together to that end.

In order for the court site to be suitable for development and construction of the proposed courthouse, all necessary public and infrastructure improvements had to be constructed and installed as a condition precedent to SPWB authorization for acquisition of the court site. The county advanced the entire cost of the access and utility service to the court site and all infrastructure improvements will be completed by the county by the last week in October.

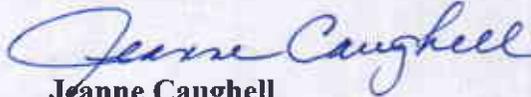
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The county and the AOC agreed to act in good faith to secure SPWB approval of a final land acquisition package once this was completed. Any delay in the purchase of the court site after the county has completely funded the improvements would severely injure the court and county relationship, and violate the MOU between the AOC and the county.

We urge the Court Facilities Working Group to consider the serious state and local implications in delaying or canceling the critically needed courthouse for the citizens of Tuolumne County, and potentially damaging the well respected relationship between the court, the county, and the community.

Sincerely,

**Superior Court of California
County of Tuolumne**



**Jeanne Caughell
Court Executive Officer**

JC/jb

